

Merchant Marine Personnel Advisory Committee (MERPAC)
Meeting Minutes for Wednesday, September 20, 2000
Catholic Seamen's Club
Seattle, WA

OPENING REMARKS

Chairman Andrew McGovern opened the meeting at 0809. In addition to the Chairman, MERPAC members in attendance were Dorenda Canty, Mohan Dadlani, Glenn Pigott, Kenneth Dawson, Charles Clausen, Joe Murphy, Lou Edmondson, Roy Murphy, Beth Gedney, Lynn Korwatch, Nick Grassia, Doug Hard, Cam Williams, Sinclair Oubre, and Pamela Hom.

Chairman McGovern gave the floor to CAPT Peter Richardson, USCG, who made comments on behalf of MERPAC's sponsor, RADM Robert North, USCG. CAPT Richardson presented a public service commendation to previous MERPAC Chairman Bill Eglinton, who thanked all MERPAC members and Coast Guard facilitators for their assistance.

LCDR Luke Harden, USCG, acting Executive Director, made remarks including mention of Federal Register publication of the Coast Guard's intent to hold this meeting.

LCDR Brian Peter, USCG, incoming Executive Director, made short remarks. LCDR Peter, who recently arrived from Marine Safety Office Juneau, Alaska, will be designated as Executive Director of MERPAC before the next meeting.

Chairman McGovern discussed the main purpose of this meeting, which was to continue assisting the Coast Guard in implementation of the International Convention on Standards of Training, Certification and Watchkeeping (STCW), as amended. An agenda for the meeting is attached as enclosure (1).

The minutes of the previous meeting (January 26, 2000 in Linthicum, MD) were accepted as written.

OLD BUSINESS

Beth Gedney, chairperson of Task Statement 22 for Recommendations on a Training and Assessment Program for Officers in Charge of a Navigation Watch Coming Up Through the Hawsepipeline, gave a status report. This Working Group planned to meet during the morning to finalize answers to the questions asked by the Coast Guard in the task statement. The Working Group announced it would be ready to present recommendations to the full Committee for a vote in the afternoon session.

Glenn Pigott, chairperson of Task Statement 23 Working Group for Recommendations on a Training and Assessment Program for Officers in Charge of an Engineering Watch Coming Up Through the Hawsepipeline, gave a status report. This Working Group also

planned to meet during the morning and finalize answers to the questions asked by the Coast Guard in the task statement. The Working Group announced it would be ready to present recommendations to the full Committee for a vote this afternoon.

Chairman McGovern announced that Ellen Warner, the chairperson of the Prevention Through People (PTP) Standing Subcommittee, had been replaced on the Committee. Doug Hard volunteered to chair the PTP Subcommittee.

BRIEFINGS

CAPT Richardson of the Office of Operating and Environmental Standards (G-MSO) gave a report on the status of STCW implementation. Five of the 16 performance measures packages developed by MERPAC and revised by the National Maritime Center (NMC) have been published in the Federal Register and comments sought from the public. The Basic Safety Training Navigation and Inspection Circular (NVIC) has been published as NVIC 05-00. The NVIC covering Ratings Forming Part of a Navigation Watch is forthcoming, and four more packages are being prepared for Federal Register publication. The remaining packages are being processed by the NMC as time allows.

CAPT Richardson reported that there are literally hundreds of tasks involved in STCW implementation, most of these being handled by NMC, with a small number being handled by G-MSO. The Coast Guard remains confident that the February 1, 2002 deadline for full implementation of STCW will be met.

CAPT Boothe, USCG, Commanding Officer, NMC, gave an NMC status report. He reported that most of NMC's STCW implementation efforts are in developing USCG national performance assessment guidelines for the STCW competency areas previously considered by the MERPAC working groups. He went on to say STCW is a team effort, with G-MSO assisting in this important element of STCW implementation. He explained that the Coast Guard is publishing the proposed USCG national assessment guidelines, built upon the foundation of MERPAC's recommendations in the Federal Register. MERPAC's original recommendations were not published in the Federal Register notices in order to avoid confusion for the public in determining which version is the official Coast Guard version. However, he explained the MERPAC versions will remain available on the MERPAC website until such time as the final USCG national assessment guidelines are published.

CAPT Boothe also stated NMC also works with G-MSO to develop policy involving licensing measures. Since MERPAC's last meeting, NMC policy letter 5-00 concerning course requirements for mariners desiring an endorsement for ratings forming part of a navigation watch has been published. In addition, a draft NVIC concerning gas turbine engineering requirements has been prepared. The NMC is close to finishing its development of special training requirements for crewmembers on board roll-on/roll-off passenger vessels as well as a policy letter concerning Offshore Supply Vessel (OSV) guidelines for STCW implementation. NVIC 6-00 regarding STCW forms and endorsements is also complete.

CAPT Boothe explained as the Quality Standard Systems (QSS) oversight authority for maritime academies; the Coast Guard, along with MARAD and the maritime industry, has developed a joint review committee which will audit all 6 state academies and the U.S. Merchant Marine Academy (KP). To date, audits at California Maritime Academy and KP have been completed, with both institutions successfully finishing the audits. The remaining state academies are scheduled for audits late this year and early 2001.

-With regard to NMC's examination program responsibilities, a new series of questions covering GMDSS have been generated. An apprentice mate examination associated with towing vessel rules and requirements has also been developed. NMC has also created a new examination module on proficiency in survival craft for OSV engineers and AB (OSV).

-Related to its oversight responsibility, NMC has completed its annual conference with Regional Examination Center personnel. Activities discussed included STCW implementation, the towing vessel rulemaking project, physical waivers, policy clarification issues found in NVIC's, the Marine Safety Manual, Coast Guard resources, personnel issues, financial problems, and the burden of new regulations on the REC's.

-A REC evaluator's course will be held in Yorktown in October. To improve service to the public, the NMC has developed an action workout at REC Miami for late this year. The goal is to identify process improvement issues to apply nationally in order to assure consistency in the CG delivery to public. On the spot changes may be made by MSO/REC Miami; NMC will then implement them nationally, as appropriate.

-The NMC is also working to improve its management of mariner records, and working to improve relations with the National Highway Transportation Safety Administration with regard to the National Drivers Register (NDR) program. Licensing and documentation database changes are also continuously being undertaken. The NDR check for mariners generally takes only one day. If there is a positive return, it might take longer. The average turnaround time for both positive and negative record reports is 2.2 days.

-With regard to STCW implementation, it is expected the IMO Secretary General will release a white list of those nations in compliance at the IMO Maritime Safety Committee's next meeting.

Ms. Bonnie Green, the Maritime Administration's (MARAD's) Deputy Administrator for Inland Waterways and Great Lakes addressed MERPAC. She reported that safety issues are the "north star" at MARAD. She expressed her appreciation for all of the hard work that volunteers such as MERPAC do to assist the Department of Transportation is making the American merchant marine the safest in the world.

NEW BUSINESS

CAPT Richardson presented a brief on the Coast Guard's crew alertness activities.

-The Research and Development Center continues to work with CDR Tim Close's staff (G-MSE-1) on three projects: 1) a project with Keystone Shipping which will result in development of a crew endurance guide and an electronic workbook; 2) a project with Ingraham Barge and Kirby Corporation which will result in a crew endurance management system (the initial feedback from this project has been positive); and 3) a project with MSO Puget Sound and the Washington State ferries which will fine-tune the crew endurance management system.

-The Coast Guard's partnership with the American Waterways Operators also addresses crew alertness with the development of an educational brochure. The brochure is currently at the printers and should be on the street by the end of October. A charter for a new partnership with the Chamber of Shipping of America is being drafted. This partnership will also work on crew alertness.

-The Coast Guard is developing a crew alertness campaign. It should be ready for dissemination in the spring of 2001.

-RADM North had previously promised to publish a policy letter clarifying the 12-hour rule. This letter was signed on September 11, 2000, and is included as enclosure (2). Copies are available to the public at this meeting. There were several purposes for this letter: Clarify work-hour policy, regulations and statutes; Clarify definitions; Summarize existing statutes, policy, etc.; Spell out the rest requirements from the STCW Convention; Clarify mariner, owner, operator, and Coast Guard responsibilities; and, Summarize mariner protection aspects for mariners reporting violations of the work-hour requirements.

-The Coast Guard does not intend to solicit comments on this policy letter from advisory committees as this is only a restating of existing statutes, policy and guidelines. MERPAC can, however, recommend improvements to the policy letter, but the Coast Guard suggests that if MERPAC desires to make recommendations to change its policy, then that should be done separately.

Mr. Richard Block of the Gulf Coast Mariners Association (GCMA) made a presentation to the Committee concerning the 12-hour rule. He thanked the Coast Guard for its preparation of a policy letter which, he said, was long overdue. Mr. Block expressed his concerns about constant violations of the 12-hour rule in the towing vessel industry by maritime companies who require their employees to work in violation of that rule. He requested MERPAC include discussions of the 12-hour rule and logbooks on its agenda.

Mr. Leif Jenkinson of the Inland Boatmen's Union, Alaskan region, seconded Mr. Block's remarks. He also stressed that 6-hours rest between watches isn't enough since a mariner has to eat, get undressed, shower, etc., during this 6-hour period.

Mr. William Beacom of Nav-Com commented that mariners are fired if they don't volunteer to work overtime or if they call the Coast Guard to report safety violations.

This problem has existed for a long time throughout the maritime industry—those who speak out are fired. An even worse situation has existed on OSV's, since mates are typically not qualified to go through bridges, etc., which requires that the licensed master frequently come to the bridge during off-duty hours.

Questions from the Committee were solicited. Kenneth Dawson agreed with most of what had been said by speakers. He stated the 12-hour rule has been violated for a long time by maritime management, but the answer will not be found in complaining to the Coast Guard for help, but in challenging violations of the 12-hour rule in the field. If you're too frightened to report the violations, there will never be a change in the rule. Now that light has been brought to the rule, the mariners must challenge the rule.

Mohan Dadlani stated that fatigue is one of the main issues in accidents, and there are 500 near misses for every accident. He asked if work-hour restrictions apply to masters on deep-sea vessels? CAPT Richardson confirmed that they did.

Pamela Hom and Cam Williams agreed with Mr. Beacom stating economics make standing up to marine management unrealistic. The industry can't have a two-watch system and expect masters or other officers to train their juniors at the same time they are required to be working. An anonymous reporting system should solve this problem. Ms. Hom recommended that MERPAC consider the 12-hour rule within the PTP Subcommittee.

When CAPT Richardson reported that the National Offshore Safety Advisory Committee (NOSAC) already has a draft task statement concerning the 12-hour rule, Kenneth Dawson, who is also on NOSAC, volunteered to act as liaison with its task statement and report back to MERPAC.

Andrew McGovern reported that the Secretary of the Department of Transportation (DOT) recently tasked all DOT modes to address their work/rest rules and to try to align all rest requirements no matter which industry we are talking about. Mr. McGovern asked for a report on the status of this item at the next meeting.

Mr. McGovern also informed the Committee that the U.S. Supreme Court has already determined what is and what isn't considered rest time, stating travel time and similar times are neither, but have been designated as limbo time.

Mr. McGovern also advised that the U.S. submitted a paper to the IMO recommending that the size of vessel crews should be determined: by looking at the jobs required by the crew of that vessel, by its normal operations, by determining the number of people required to do those jobs, by calculating rest time, and by using that figure to calculate crew size. He asked if we have heard back from IMO and, if so, will this policy be applied to the domestic fleet. CAPT Richardson replied that the Coast Guard's Office of Compliance is currently looking at this issue.

CAPT Boothe then explained three proposed task statements.

Task Statement 24, concerning recommendations on a program to revise the testing for advancement of deck officers to conform to the STCW, was adopted by MERPAC. Joe Murphy volunteered to act as Working Group Chairman. This task statement is attached as enclosure (3).

Task Statement 25, concerning recommendations on a program to revise the testing for advancement of engineering officers with unlimited horsepower licenses to conform to the STCW, was adopted by MERPAC. Katie Haven was designated to act as Working Group Chairwoman. This task statement is attached as enclosure (4).

Task Statement 26, concerning recommendations on a program to revise the testing for advancement of engineering officers with limited horsepower licenses to conform to the STCW, was adopted by MERPAC. Katie Haven was designated to act as Working Group Chairwoman. This task statement is attached as enclosure (5).

The Committee broke for lunch at 1120 and reconvened in Working Group sessions after lunch. The meeting reconvened as a whole at 1430. Dorenda Canty, Pamela Hom, and Mohan Dadlani were not present at the afternoon session.

WORKING GROUP REPORTS

Beth Gedney gave a report and submitted Working Group recommendations on Task Statement 22 concerning Recommendations on a Training and Assessment Program for Officers in Charge of a Navigation Watch Coming Up Through the Hawsepipe. The Working Group provided answers to the following seven questions asked by the Coast Guard in the task statement:

- 1) Which knowledge, understanding and proficiencies require training and education at an approved course? The modules as defined in the model course are sufficient.
- 2) Can these courses be taken from any training provider with the relevant approved course? Yes, the courses should not all have to be taken at the same facility, or in consecutive order.
- 3) Is there a minimum tonnage for vessels that is acceptable for the approval of the required sea going service? The current sea service requirements, as defined in 46 CRF Part 10, should remain in effect.
- 4) Is there a minimum time that the seafarer must serve on vessels equipped with equipment listed in Table A-II/1? No. A mariner could train in a classroom on equipment, and not have any time on a vessel with that equipment.
- 5) How should seafarers document that they performed, during the required seagoing service, bridge watchkeeping duties under the supervision of the master or a qualified officer for a period of not less than six months? The USCG should produce a standard letter of sea service, following the guidelines defined in STCW, for watchkeeping duties. The letter to be completed by a company representative, or the vessel master, should be included in the training record book.

- 6) Should there be a maximum time period during which all of the requirements must be met? No restrictions on time.
- 7) If onboard assessment is envisioned, would the qualifications for an onboard assessor be any different than those outlined in NVIC 6-97 for a Designated Examiner? The NVIC needs to be adjusted, removing items that are bulleted, that are needed for course design and implementation, but not for assessment on board. We envision that the assessor is following an already approved training program. Therefore remove:
 - Identification of training needs
 - Learning processes
 - Course design
 - Teaching methods
 - Presentation techniques
 - Role of incentive and motivation in learning
 - Use of feedback
 - Course evaluation

The Working Group answers were accepted as a whole by the Committee by a vote of 8 for, 2 against, with 2 abstentions. The Working Group presented three recommendations for consideration by the full Committee:

- 1) The USCG needs to develop and distribute a standard training record book. All mariners, using whatever method to obtain training and competence, should have a training record book, consisting of columns listing first the competencies as required by the applicable table, 2nd to list either the training facility at which the training was completed or the approved company training program that the mariner participated in, and a final column providing the assessor's name and signature. Having obtained this information, the process at the REC would be a matter of verifying the information in the training record book against a list of approved courses and assessors, as provided by the REC. The full Committee unanimously accepted this recommendation.
- 2) To facilitate the advancement of mariners outside of the formal training system, the USCG needs to establish a method to determine equivalency by alternative assessment for the applicable sections of Table A-II/1 and A-II/3. Using Table II, the USCG may establish other recognized training as equivalent, as evaluated by a qualified review board. The full Committee unanimously accepted this recommendation.
- 3) The USCG needs to assign sea service credit for approved shoreside training programs, in addition to credit for STCW, to facilitate a mariner outside of a traditional training program. The full Committee accepted this recommendation by a vote of 9 in favor, 2 against, and 1 abstention.

Task Statement 22 was then closed out as completed.

Glenn Pigott gave a report and submitted Working Group answers/recommendations on Task Statement 23 concerning Recommendations on a Training and Assessment Program for Officers in Charge of an Engineering Watch Coming Up Through the Hawsepipe.

The Working Group provided answers to the following seven questions asked by the Coast Guard:

- 1) Which knowledge, understanding and proficiencies require training and education at an approved course? BST, Advanced firefighting, First Aid Provider, Emergency Procedures, and Lifeboat Proficiency should remain as listed.
- 2) Can these courses be taken from any training provider with the relevant approved course? Any approved course is acceptable.
- 3) Is there a minimum tonnage and/or horsepower for vessels that would be acceptable for the approval of the required sea going service? Minimum tonnage is not required for an engineer's license. The minimum horsepower should be 750 as per STCW.
- 4) Is there a minimum time that the seafarer must serve on vessels equipped with equipment listed in Table A-III/1? The six-month sea time is still required. An additional 30 months is required but any approved training time meeting STCW knowledge understanding and proficiencies of Table A/III-1 may count towards the 30 months.
- 5) How should seafarers document that they performed the engine room operation and watchkeeping duties during the required seagoing service under the supervision of the chief engineer or a qualified officer for a period of not less than one year? We recommend that the USCG start a rulemaking to require Chief Engineer, First Assistant Engineer, or the company to document all service (supervised/unsupervised) and remove the reference to 1 year.
- 6) Should there be a maximum time period during which all of the requirements must be met? Five-year competence for approved courses and 7 years for assessments.
- 7) If onboard assessment is envisioned, would the qualifications for an onboard assessor be any different than those outlined in NVIC 6-97 for a Designated Examiner? Yes. The onboard assessor should be provided with an approved guide and assessment guidance if not a designated examiner.

The Working Group answers were rejected as a whole by the Committee by a vote of 3 for, 4 against, with 5 abstentions. Each of the answers was then read individually and voted on by the full Committee.

Answer 1 – unanimously carried.

Answer 2 – unanimously carried.

Answer 3 – unanimously carried.

Answer 4 – carried, 8 for, 1 against, 3 abstentions.

Answer 5 – unanimously carried.

Answer 6 – rejected, 0 for, 7 against, 4 abstentions.

Answer 7 – carried, 11 for, 0 against, 1 abstention.

Task Statement 23 was then closed out as completed.

Joe Murphy gave a report on Task Statement 24 concerning Recommendations on a Program to Revise the Testing for Advancement of Deck Officers to Conform to the

STCW. The Working Group hopes to be able to present its recommendations for a full Committee vote at the next meeting.

Tentative meeting dates of March 27th and 28th were selected for the 16th meeting of MERPAC.

There being no further business, the meeting was adjourned at 1552.

Luke B. Harden, LCDR, U.S Coast Guard
Acting Executive Director, MERPAC

Andrew McGovern
Chairman, MERPAC

Date

Date

Enclosures: (1) Agenda

- (2) USCG 12-hour policy letter
- (3) Task Statement 24, concerning Recommendations on a program to revise the testing for advancement of deck officers to conform to the STCW
- (4) Task Statement 25, concerning Recommendations on a program to revise the testing for advancement of engineering officers with unlimited horsepower licenses to conform to the STCW
- (5) Task Statement 26, concerning Recommendations on a program to revise the testing for advancement of engineering officers with limited horsepower licenses to conform to the STCW